

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

BRANDON MARCUS RESCH,

Plaintiff,

File no: 2:21-cv-227

v.

HON. ROBERT J. JONKER

DAVID RINK,

Defendant.

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**ORDER APPROVING MAGISTRATE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on October 26, 2023 (ECF No. 55). The Report and Recommendation was duly served on the parties. No objections have been filed under 28 U.S.C. § 636(b)(1)(C).

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 55) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Defendant Rink's motion to dismiss for failure to prosecute (ECF No. 53) is **GRANTED**.

IT IS FURTHER ORDERED that costs in the amount of \$305.65 for the costs incurred to take Plaintiff's deposition are assessed against Plaintiff Resch, payable to Defendant.

IT IS FURTHER ORDERED that this matter is **TERMINATED**.

IT IS FURTHER ORDERED that Plaintiff is denied a certificate of appealability.

The Court discerns no good-faith basis for appeal of this matter. *See McGore v. Wigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997); 28 U.S.C. § 1915(a)(3).

Dated: November 20, 2023

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE